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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1386 OF 2007
IN
WRIT PETITION NO. 1880 OF 2005

Shri Damodar Namdev Chandole ... Applicant
(Ori.Respondent)

V/s

M/s. Green Spot Trust ... Respondent
(Ori.Petitioner)

Mr.R.B.Parab for the applicant.

Ms.A.R.S.Baxi for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 7TH SEPT., 2007.

P.C.:

1. This application has been filed by the respondent workman in the original Writ Petition No. 1880 of 2005. By an order dated 5th December, 2005, after the petition was admitted, the original petitioner i.e. the respondent herein was directed to deposit the back wages as awarded by the Labour Court. Accordingly, the amount of Rs.71,625/- has been deposited in this Court.

2. A prayer is made to permit the applicant to withdraw the amount deposited. In my opinion, such a prayer

cannot be granted as there would be no security to the original petitioner in case it succeeds in the petition. However, an amount of Rs.35,000/- may be withdrawn by the applicant on furnishing an undertaking to the effect that in the event he fails in the petition, he will bring that amount back to the Court. The balance amount which has been deposited shall be invested in the nationalized bank initially for a period of three years, to be renewed thereafter.

4. The undertaking to be given within two weeks from today.

5. Civil application disposed of accordingly.

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